

Exhibit A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:22-20104-CR-JB

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	EX PARTE DECLARATION
v.)	OF RUSSELL M. AOKI,
)	THE COORDINATING
ARCANGEL PRETEL ORTIZ,)	DISCOVERY ATTORNEY,
ANTONIO INTRIAGO,)	DESCRIBING RECENT
WALTER VEINTEMILLA,)	DISCOVERY PRODUCTIONS
CHRISTIAN SANON,)	
JAMES SOLAGES,)	
JOSEPH JOEL JOHN,)	
JOSEPH VINCENT,)	
GERMAN ALEJANDRO RIVERA)	
GARCIA,)	
MARIO ANTONIO PALACIOS)	
PALACIOS, and)	
FREDERICK JOSEPH BERGMANN, JR.,)	
)	
Defendants.)	

I, Russell M. Aoki, declare and state:

1. I am the court-appointed Coordinating Discovery Attorney ("CDA"). I make this statement based on my personal knowledge, information, and belief.
2. Defense counsel has asked me to describe Government Productions 17 through 21. Below is a summary.
3. On February 6, 2025, my staff and I received Government Productions 18 and 19 via USAfx. Since the last prior production was 16, my staff asked the Government about Production 17. The Government explained it was withholding Production 17 at this

time. The discovery log lists the following Bates ranges as “3500” material that has not yet been produced. The description field of the discovery log for these Bates ranges says, “Intentionally Left Blank”.

USA000420831_USA000420962
USA000420968_USA000423652
USA000423669_USA000423679
USA000423691_USA000423906
USA000423910_USA000424151

4. The Production 18 and 19 materials were separated into ten separate folders, including a Bergmann Materials folder, a production 18 “Natives” folder and corresponding PDFs folder, and a production 19 “Natives” folder and six corresponding PDF folders. When examined, the entire production totaled 27.7 gigabytes. The Bergmann Materials folder and PDF folders contained 24,067 Bates-stamped PDFs, of which 2,025 are placeholders for some of the native files. The natives folders consisted of six non-Bates stamped PDF documents, eight spreadsheets, three PowerPoint files, 11 text or data files (xml, note, txt, dat), two GPS data files (kml), six files requiring specific programs to open (dxf, enc), 11 program/system files (page), 726 mp4 video files, and 1,272 audio files in various formats (mp3, m4a, ogg, amr). They vary in runtime, with the largest being 38 minutes.

5. The PDFs are watermarked “Restricted”. While reviewing, the CDA’s staff found only the watermark was searchable, not the document text or the Bates numbers. Several optical character recognition (OCR) programs were tried to also make the text and Bates numbers searchable, but only 3,954 of the documents were successfully OCR’ed. The remainder had to be sent to a defense-only technology company to utilize

its program for making the documents searchable. The OCR work was not completed until February 14th.

6. Production 18 includes a total of 474 media files, made up of 147 videos and 327 audio recordings. Production 19 has a total of 1,523 media files, including 579 videos and 944 audio files. Our database training attorney examined the original filenames provided for the audio and video files and matched them to those from earlier productions. Of the 474 media files for Production 18, 114 have previously been produced with different Bates numbers, while 361 appear to be new materials. The size of these new materials is 1.51 gigabytes. Of the 1,523 media files for Production 19, 401 have been previously produced but with different Bates numbers, while 1,122 are new. The size of these new materials is 6.36 gigabytes.

7. The media files were sent to a defense-only technology company to calculate the length of all the recordings in Productions 18 and 19. The total length is approximately 45 hours and 16 minutes.

8. For the non-media materials, two of the spreadsheets were found to have been previously produced with different Bates numbers. The remaining materials were either not previously produced or could not be matched with a prior Bates number.

9. On March 7, 2025, we received production 21 via USAfx. The Government stated they were withholding production 20. The Government's discovery log identified the Bates range of USA000471034_USA000518424 as restricted material that has not yet been produced. The log indicates this as "Intentionally Left Blank."

10. When examined, production 21 totaled 49.7 megabytes. It consists of ten CSV spreadsheets and 47 Bates-stamped PDF documents, with ten of the PDF documents serving as placeholders for the CSV files. Defense counsel has asked whether the materials are duplicative of prior productions. Our database training attorney has reviewed the materials and was unable to locate these files within prior productions.

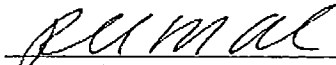
11. In total, for Productions 18, 19, and 21, there are 1,681 files that were confirmed as not previously produced. A majority of the PDF documents lack their original filenames, and many of them contain photos that may have been previously produced. However, without identifying information, they cannot be easily linked to a prior Bates number to verify whether they are duplicates.

12. The 45 hours of new audio and video recordings pose the most significant challenge to review. Unlike documents that can be keyword searched with the search terms highlighted, spoken words in audio and video recordings cannot be searched and will require near real-time review, with some needing to be played multiple times¹.

I declare under penalty of perjury under the laws of the United States that the preceding is true and correct.

Dated this 27th day of March 2025 at Seattle, Washington.

¹ I have experimented with computer-generated transcription services. None are 100% accurate. The level of accuracy depends on the quality of the recording, the language spoken, the use of slang, and the use of code words. The quality can vary between collections in a production, making it difficult to predict how well a transcription service will perform until the service is retained and loaded with recordings. For these reasons, our office rarely recommends transcribing recordings.



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